

Remarks

Claims 35 – 42 and 44 – 55 stand rejected. Claims 1 – 34 are previously withdrawn as directed to a non-elected invention, and hereby canceled. Claim 43 has been previously canceled. Applicant adds new claims 56 – 58. Applicant amends claim 33 to include compounds useful to treat epilepsy, cardiac arrhythmias, or pre-term labor as part of the claimed composition. Support for this amendment can be found throughout the specification and specifically on page 13, line 3, through page 14, line 20. Applicant submits that no new matter has been added to the application by the present amendment. Each of the rejections levied in the Office Action is addressed below.

Rejections under 35 U.S.C. §§ 102(b) and/or (e)

Claims 35 – 42, 44 – 51 and 55 stand rejected under 35 U.S.C. § 102(e) based on U.S. Patent 6,326,020 to Kohane, *et al*, and under 35 U.S.C. § 102(b) based on International Patent Application Serial Number PCT/US1998/051290, also to Kohane, *et al* (together “Kohane”). Applicant notes that both applications make identical priority claims and are part of the same family, therefore, both references are treated together in responding to the present outstanding rejections. The Examiner claims that Kohane teaches the claimed invention of claims 35 – 42, 44 – 51, and 55. Applicant submits that presently amended claim 35 is not anticipated by Kohane. Kohane fails to teach any of the added agents to treat epilepsy, cardiac arrhythmias, or pre-term labor that comprise the composition claimed in claim 35. Because the remaining claims rejected under § 102(b) or (e) all depend from claim 35, they, likewise, are not anticipated by the Kohane references.

Rejections 35 U.S.C. § 103(a)

Claims 35, 36, and 39 – 42 stand rejected under 35 U.S.C. § 103(a) as allegedly obvious in view of U.S. Patent 6,326,020 to Kohane, *et al* (“Kohane I”) combined with U.S. Publication Number 2002/0010194 to Levin (“Levin”). Further, the Examiner maintains that claims 35 – 42 are obvious over the combination of Kohane I and U.S. Publication Number 2001/0002404 to Webb (“Webb”). Lastly, claims 52 – 54 stand rejected under 35 U.S.C. § 103(a) as being obvious based on Kohane I in view of U.S. Patent Number 6,352,683 to ten Cate (“ten Cate”). Applicant submits that no combination of the references teaches or suggests the presently

claimed invention. Specifically, none of the references teaches or suggests compositions including an agent to treat epilepsy, cardiac arrhythmias or pre-term labor.

Applicant thanks the Examiner for her time and consideration. If a telephone conversation would help clarify any issues or help expedite the prosecution of the case, Applicant invites the Examiner to contact the undersigned at 617-248-5222. Please charge any fees associated with this filing, or apply any credits, to our Deposit Account No. 03-1721.

Respectfully submitted,

/JeffreyEBuchholz/

Jeffrey E. Buchholz
Registration Number 60,544

Date: April 13, 2009
Patent Department
Choate, Hall & Stewart LLP
Two International Place
Boston, MA 02110
t: (617) 248-5000
f: (617) 502-5002
patentdocket@choate.com